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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,245	06/12/2001	Katrina L. Dewar	2951.03US02	3786
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Brad Pederson, Esq. Patterson, Thunte, Skar & Christensen 4800 IDS Center, 80 S. 8th Street Minneapolis, MN 55402-2100				
		EXAMINER		
		WONG, LUT		
		ART UNIT PAPER NUMBER		
		2129		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/878,245

Applicant(s)

DEWAR, KATRINA L.

Examiner

Lut Wong

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/18/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to an APPEAL BRIEF entered Feb 12, 2007 for the patent application 09/878245.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Status of Claims

Claims 15-17, entered 7/6/2006, are independent and pending.

Requirement for Information

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The examiner has found an NPL by Paul W. Brooks "Internet Assessment: Opportunities and Challenges" IPMAAC June 4th 2000". This reference is not in the IDS and from the assignee of instant application (i.e., Paul W Brooks' NPL is published for ePredix, Inc).

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

1) Is there any other publications by ePredix, Inc that are not disclosed in the IDS?

2) Why is Paul W Brooks not an inventor of instant application?

3) Is there any publications by the Inventors not disclosed in the IDS?

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 17 recites "a resource identified by a telephone number in an employer job advertisement". The spec fails to support such limitation. The spec, [0094] of PgPub, only suggests an online job announcement may be a recorded announcement on a menu-driven telephone voice processing system. Nowhere in the spec explicitly suggest a resource identified by a telephone number. It is presumed to mean an online job announcement may be a recorded announcement on a menu-driven telephone voice processing system for the purpose of compact prosecution.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 15-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Paul W. Brooks (“Internet Assessment: Opportunities and Challenges” IPMAAC June 4th 2000). Examiner Notes (EN) and related citations are denoted in parenthesis.

Claims 15-16 are drawn to an electronic prediction system for assessing a suitability of job applicants for an employer, the electronic prediction system comprising: a plurality of terminals; an applicant screening server with testing computer program and storing test data; a website identified by a uniform resource locator, by email; requirements questions; and a set pre hire questions; a scoring system and a scoring database; an applicant input system; and a viewing system.

Brooks anticipates an electronic prediction system for assessing a suitability of job applicants for an employer (See e.g. pg. 2 “Introduction” on online assessment solutions for screening and selection stages of Internet recruitment. See also pg. 3 on job performance potential and pg. 4 on probability of success), the electronic prediction system comprising: a plurality of terminals (*EN: inherent nature of an online system*); an applicant screening server with testing computer program and storing test data (See e.g. pg. 2 “section I” on data warehousing. *EN: it is also inherent nature of an online system*); a website identified by a uniform resource locator (See e.g. pg. 5 “section B” on online job advertisement), by email (See e.g. pg. 5 “section B” on notified by email); requirements questions (See e.g. pg. 4 “section III” on applicant’s questions); and a set

pre hire questions (See e.g. pg. 3 "section I" on pre hire model); a scoring system and a scoring database (See e.g. pg. 4 "section II" on test scores); an applicant input system (See e.g. pg. 5 "section III" on client onsite interview); and a viewing system (See e.g. pg. 2 "Introduction" on overall summary reports).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paul

W. Brooks ("Internet Assessment: Opportunities and Challenges" IPMAAC June 4th 2000), further in view of Ogden (US 6311164).

Claim 17 is drawn to claim 15 or claim 16. The difference is that the resource is announced on a telephone system, not online (such as message board or email as in claim 15, 16). Ogden teaches job announcement on a menu-driven telephone voice processing system (See e.g. abstract and title). It is obvious to an ordinary skill in the art that announcing job advertisement on a voice message is conventional and well known in the art. It would have been obvious to an ordinary skill in the art the time the invention was made to modify Ogden's system by placing advertisement online. One would have been motivated to do so because putting ad online becomes popular with the growth of the Internet.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Decision Point Data, Inc ("1999 StoreWorks! Conference and Exhibition," 13 pages, May 1999. Referred herein as DPD). Examiner Notes (EN) and related citations are denoted in parenthesis.

Claim 15: DPD anticipates an electronic prediction system for assessing a suitability of job applicants for an employer (See e.g. pg. 3 on DPDAplicantTM), the electronic prediction system comprising: a plurality of terminals connected to the Internet and accessible by the applicants (See e.g. pg. 6 on "store network" with plurality of terminals); an applicant screening server connected through the Internet to the terminals (See e.g. pg. 6 DPD), the applicant screening server having a testing computer program and storing test data (See e.g. pg. 6 DPD. *EN: it is also inherent nature of a server*); a website identified by a uniform resource locator indicated in an employer job advertisement (See e.g. pg. 9 on DPDAplicant.com), the website configured to present application questions to the applicants at the terminals and to receive applicant responses entered at the terminals in response to presentation of the application questions (See e.g. pg. 6 on application completed), the application questions

comprising: requirements questions eliciting information on whether the applicants meet employment requirements (See e.g. pg. 5, especially on applicant's omissions and admissions) ; and a set of validated questions validated by correlating job performance ratings of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired (*EN: this is drawn to job performance related questions*. See e.g. pg. 2 on application and company wide questions), the set of validated questions being a short subset of a large assessment, the short subset being selected to serve as a fast job-related pre-screen (*EN: no patentable weight is given to the intended result*. See *MPEP 2111.04[R-3]*); a scoring system for automatically scoring the applicant responses in real time (See e.g. pg. 5 on fit with company/job. See also pg. 13 on immediate results), the scoring system comparing applicant responses for requirements questions to employer requirements and being validated to predict both performance and remover potential (See e.g. pg. 5 on fit with company/job, especially on credibility, stability ratings. See also pg. 13 on scoring); a scoring database connected to the applicant screening server (See e.g. pg. 6 and 13 on data archiving); an applicant input system located on the employer's premises and configured to administer an in-depth assessment to an applicant at the employer's premises after the applicant has come to the employer's premises and logged on (See e.g. pg. 6 on store network and corp HP. *EN: the store network, or the call center is considered as located on the employer's premises*. See also pg. 4-5 on interview); and a viewing system for permitting the employer to view applicant results from the electronic prediction system and the applicant's rank order (See e.g. pg. 5 on

Art Unit: 2129

reports and overall rating. See also pg. 7 on reports and overall inquiry suggested), the applicant results providing information on applicants who have a high probability of performing successfully and not terminating early (*EN: no patentable weight is given to the intended result. See MPEP 2111.04[R-3]*).

Claim 16: note that the employer job advertisement identifying a uniform resource locator; a resource identified by the uniform resource locator (See e.g. pg. 9 on hot-link from your home page for hourly jobs).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Decision Point Data, Inc ("1999 StoreWorks! Conference and Exhibition," 13 pages, May 1999. Referred herein as DPD), further in view of Ogden (US 6311164).

Claim 17 is drawn to claim 15 or claim 16. The difference is that the resource is announced on a menu-driven telephone voice processing system, not online (such as message board or email as in claim 15, 16). Ogden teaches job announcement on a menu-driven telephone voice processing system (See e.g. abstract and title). It is

Art Unit: 2129

obvious to an ordinary skill in the art that announcing job advertisement on a voice message is conventional and well known in the art. It would have been obvious to an ordinary skill in the art the time the invention was made to modify Odgen's system by placing advertisement online. One would have been motivated to do so because putting ad online becomes popular with the growth of the Internet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lut Wong whose telephone number is (571) 270-1123. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent David can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAVID VINCENT
SUPERVISORY PATENT EXAMINER